

**CITY OF ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING**

MONDAY, NOVEMBER 20, 2017

Members Present: Council Members Applyrs, Bailey, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien, Council President McLaughlin

Staff Present: Gerald Campbell, Marisa Franchini

The roll being called, the meeting was called to order by President McLaughlin at 7:10pm; Council Member Golby led the body in reciting the Pledge of Allegiance followed by a Moment of Silence.

Public Comment Period

The following members of the public spoke:

Tyhisha Ghaffar-Adeji – 269 Elm Street, Albany, NY 12202 – Topic: PEGAOB – PEG AD HOC
Kimberleigh Krepp – 107 N. Manning Blvd, Albany, NY 12206 - Topic: PEGAOB – PEG AD HOC
Joe Colon – No Address Provided – Topic: PEGAOB
Alana Klein – 29 Glenwood Street, Albany, NY 12208 – Topic: United States Flag Code
Dennis Karius – 13 York Road, Albany, NY 12208 – Topic: PEGAOB – PEG AD HOC
Nancy Benedict – 31 Forest Road, Delmar, NY 12054 – Topic: Clean, Safe, & Accessible Bus Stops
Antonio Worthey – 26 S. Swan Street, Albany, NY 12210 – Topic: Establishing Islamic Presence
Shei Manon – 294 State Street, Albany, NY 12210 – Topic: PEGAOB – PEG AD HOC
Marc Gronich – 300 Hackett Blvd, Albany, NY 12208 – Topic: PEGAOB – PEG AD HOC

There being no further speakers, President McLaughlin declared the Public Comment Period closed.

Approval of Minutes from Previous Meeting

President Pro Tem Conti made a motion, which was duly seconded, to approve the minutes of the November 6, 2017 meeting of the Common Council; the motion was adopted by unanimous voice vote.

Consideration of Local Laws

President Pro Tem Conti held the Local Laws on the agenda for further consideration.

Reports of Standing and Ad Hoc Committees

Finance, Assessment and Taxation: Council Member Doesschate reported that the budget recommendations developed by the committee, with the participation of several Council Members, would be considered and more fully discussed at tonight's meeting.

Planning, Economic Development and Land Use: Council Member Herring reported that the committee met on 11/16 and favorably reported Resolution 61.111.17R confirming the appointment of Chris Spencer as Commissioner of Development and Planning. The committee held for further consideration Ordinance 39.92.17 related to the franchise agreement with Extenet Systems. That

ordinance, as well as any additional items before the committee would be discussed at a meeting scheduled for 12/13.

Consideration of Ordinances

Council Member Igoe noticed the introduction of Ordinance Number 43.112.17, which was referred to the Law, Buildings and Code Enforcement Committee.

Ordinance Number 43.112.17

AN ORDINANCE REPEALING AND REPLACING CHAPTER 353 OF THE CODE OF THE CITY OF ALBANY (VEHICLES FOR HIRE)

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Chapter 353 (VEHICLES FOR HIRE) of the Code of the City of Albany is hereby REPEALED.

Section 2. A new Chapter 353 of the Code of the City of Albany is added, to read as follows:

Section 353-1. DEFINITIONS

Driver – Any person who engages in the business of driving a Taxicab, whether such person is the Owner, an employee, or an independent contractor.

Hack License – A license given to an individual who meets the United States Residency, New York State Department of Motor Vehicle Licensing, New York State Department of Financial Services, New York State Tax and Finance, and Agency criteria for the privilege of driving a taxicab in the State of New York. Includes both Municipal and Unified Hack Licenses.

LENS – The New York State License Event Notification System used to monitor the driving records of any person applying and holding a Hack License or Owners License.

Medallion – A decal distributed by or on behalf of the Municipality, prominently placed on a vehicle used for hire that signifies it is licensed to do business as a taxicab in the community in which it is operating. Includes both Municipal and Unified Medallions.

Municipality – The Municipality of the City of Albany (“Municipality”).

Operate a Taxicab – Includes Taxicab service that is conducted within the corporate limits of the Municipality.

Owner – Any person or corporation owning or having control of the use of one or more Taxicabs used for hire upon the streets of the Municipality or engaged in the business of Operating a Taxicab.

Owner's License – A license issued to a person and/or corporation owning, operating or having control of one or more Taxicabs used for hire upon the streets of the Municipality that meets all of the criteria established for that license including criteria established by New York State Department of Motor Vehicles, the New York State Department of Financial Services and New York State Tax and Finance criteria. Includes both Municipal and Unified Owner's Licenses.

Participating Municipality – Any municipality that is a signatory to the Unified License Memorandum of Understanding.

Person – Any individual, corporation, partnership or other legal entity filing for a Taxicab Owner's License or Taxicab Medallion.

Taxicab – Includes any motor vehicle of a type that the General Municipal Law 181 permits a municipality to regulate, that is engaged in the service of transporting passenger(s) for hire, when such service is available to the general public on a prearranged or demand-response basis over a non-specified or irregular route with the point or points of pickup and discharge determined by the passenger.

Taximeter – An instrument or computer application that automatically calculates the fare charged to a traveler utilizing the service of a Taxicab.

Taxi Stand – Those locations specifically designated as taxi stands by the Municipality.

Unified License Memorandum of Understanding – The inter-municipal agreement among Participating Municipalities regarding Unified Licenses and Medallions.

Unified Hack License – A Hack License authorizing the Driver to Operate a Taxicab in all Participating Municipalities.

Unified Medallion – A Medallion authorizing the operation of a Taxicab vehicle in all Participating Municipalities.

Unified Owner's License - An Owners License valid in all Participating Municipalities.

Section 353-2. LICENSING

a. Requirement – Licenses needed to operate

No Taxicab shall be operated within the Municipality without first having obtained a Medallion and being operated pursuant to a validly issued Owner's License. No Person shall operate a Taxicab within the Municipality without first having obtained a Hack License.

b. Owner's License

Each application for a Taxicab Owner's License shall be signed and shall be made upon the appropriate ***Common Taxicab Owner's License Application Form***. Said application shall contain the following information:

- i.** The name, date of birth, and residence of the Person applying for the license. In the event the applicant is a partnership or operating under an assumed name, a certified copy of the

certificate of partnership or assumed name must be provided at the time of application. In the event that the applicant is a corporation, the names and addresses of all corporate officers and stockholders must be provided at the time of application.

- ii. The number of Taxicabs for which the application is being made, stating the ownership, make, type, year of manufacture, vehicle identification number, and passenger seating capacity for each of the vehicles to be licensed under the application.
- iii. A copy of the Certificate of Insurance showing the year, make, model and vehicle identification number and coverage for each Taxicab vehicle licensed under the application, as evidence that the Taxicab is covered by NYS admitted insurer commercial automobile insurance including Bodily Injury and Uninsured Motorist Coverage in a minimum amount of One Hundred Thousand Dollars (\$100,000) per person with a Three Hundred Thousand Dollar (\$300,000) aggregate, and verification of registration for each vehicle for use as a Taxicab by the New York State Department of Motor Vehicles.
- iv. Whether the applicant has been convicted of or plead guilty to any crimes, and if so, the crime(s) along with the date(s) and jurisdiction(s) of conviction.
- v. Whether the applicant is or has been previously licensed as a Taxicab Owner or Operator and, if so, in what jurisdiction(s).
- vi. Whether the applicant currently holds or was the former holder of a Taxicab Owner's or Operator's License which has been expired, revoked or suspended and, if so, for what reason, giving the name of the issuing municipality and the dates and reasons for the expiration, revocation and/or suspension.
- vii. As a condition to the issuance of a Taxicab Owner's License, the applicant agrees to require all Drivers of the Owner's Taxicabs obtain Hack Licenses, maintain a Valid NYS Driver's License of Class E or CDL which is neither expired, revoked, suspended, or has any conditionality attached to it by the NYS Department of Motor Vehicles which would prohibit said Driver from safely driving or operating a Taxicab, and to register with and be subject to the New York State LENS program, and further agrees that the Municipality (or designee) shall have the authority to communicate with and receive reports relating to the New York State LENS program.
- viii. All Persons applying for a Taxicab Owner's License agree to fully investigate and resolve complaints regarding Taxicabs operated pursuant to the Owner's License, and shall remediate all complaints and issues in a timely manner.
- ix. All persons applying for a Taxicab Owner's License shall agree to equip each Taxicab with a Taximeter or equivalent metering application, and shall accept customer payment in cash or by credit/debit card.

c. Medallions Required

Each Taxicab Operated within the Municipality shall require a Medallion, which shall be prominently displayed on each licensed Taxicab at all times. The application for a Medallion shall be made upon the ***Common Medallion Application Form***, and must include the following information:

- i. The Owner's License pursuant to which the Taxicabs will be Operated.
- ii. Whether the applicant is seeking Municipal or Unified Medallion(s)
- iii. The specific Taxicab vehicles providing Year, Make, Model and Vehicle Identification Number of each vehicle for which the Medallions are being requested.

- iv. Details regarding the particular Taximeter installed on the Taxicab vehicles, or the details of the equivalent metering application the Owner proposes to utilize including make, model and serial number of the metering application and/or device as applicable.

d. Hack License Required

Each Driver of a Taxicab operating within the Municipality must have and be in possession of a current and validly issued Hack License. Applications for a Hack License or for renewal of a Hack License shall be signed and sworn to in person and shall be made upon the appropriate *Common Hack License Application Form*. The applicant shall:

- i. Be the holder of a duly valid New York State Driver's License of the appropriate class for operation of a Taxicab as prescribed by the New York State Department of Motor Vehicles, but not less than a valid New York State Class E Livery or CDL (Commercial Driver's License).
- ii. Be able to clearly communicate in the English language.
- iii. Agree to continually be neat and clean in dress and person and have no conditions that impair the ability to safely operate a Taxicab.
- iv. Meet the standards as embodied in Article 23-A of the Correction Law of the State of New York.
- v. Be at least eighteen (18) years of age.
- vi. Consent in writing to enrollment in the NYS LENS Program for the period his/her license is in effect as a Taxicab Driver.
- vii. Have fingerprints taken by the Municipality or designee in which the Medallion will be issued.
- viii. Provide three (3) recent un-retouched photographs, two (2) inches by two (2) inches, with no hat or sunglasses.
- ix. Provide the information requested on the Form, giving his/her full name, residence, places of residence for five (5) years previous to moving to his/her present address, age, height, color of eyes and hair, place of birth, United States Residency, places of previous employment, whether he or she has ever been convicted of a felony or misdemeanor and if so, the date and jurisdiction of same, whether he or she has been previously licensed as a Taxicab Driver or chauffeur, and if so, whether his/her license has ever been revoked and/or suspended in which municipality, the year of the revocation and/or suspension, and for what cause.
- x. Have no physical or mental condition that would interfere with the safe operation of a Taxicab, and be free from the use of drugs (prescription or otherwise) that would interfere with the safe operation of a Taxicab.

e. APPLICATIONS/ISSUANCE

i. Application for Licenses

All applications for licenses issued pursuant to this Chapter shall be made by the Applicant upon the appropriate Common Application forms, available online at www.cdto.org and at the Capital District Transportation Authority offices located at 85 Watervliet Avenue, Albany, NY, or such other location as may be designated by the Municipality. Application forms must be submitted in person at the aforementioned location during normal business hours.

ii. Common Application Forms and Requirements

All license applications shall be made upon the appropriate *Common License*

Application Forms, accompanied by all required information and applicable fees. Incomplete license applications will not be accepted.

- iii. Owner's License – Applications for an Owner's License shall be made upon the ***Common Owner's License Application Form***. The application must designate whether the applicant is seeking a Municipal or Unified Owner's License. The application shall be filled out in its entirety, and shall include the following:
 - 1. Proof of Insurance covering the specific Taxicab vehicles to be used including year, make, model and vehicle identification numbers of all the vehicles to be covered under the Applicant's license.
 - 2. Company information, as requested on the application form
 - 3. A nonrefundable Owners' License application fee, as specified herein
- iv. Medallion – Applications for Taxicab Vehicle Medallions shall be made upon the ***Common Medallion Application Form***. The application must specify the particular vehicles including year, make, model and vehicle identification numbers of the vehicles to be covered under the Applicant's license and whether the applicant is seeking Municipal or Unified Medallions. The application shall be filled out in its entirety, and shall include the following:
 - 1. Proof of Insurance covering the specific Taxicab vehicles for which Medallions are being requested including year, make, model and vehicle identification numbers of all the vehicles to be covered under the Applicant's license; AND
 - 2. A nonrefundable Medallion Fee for each Taxicab vehicle, as specified herein
- v. Hack License – Applications for Hack Licenses shall be made upon the ***Common Hack License Application Form***. The application must designate whether the applicant is seeking a Municipal or Unified Hack License. The application shall be filled out in its entirety, and shall include the following:
 - 1. Three (3) recent un-retouched photographs, two (2) inches by two (2) inches, with no hat or sunglasses.
 - 2. The impressions of the fingers of the applicant's right and left hands, for the purpose of obtaining criminal history records from the New York State Division of Criminal Justice Services, the impressions to be taken under the supervision of the Chief of Police or his/her designee. At the Municipality's discretion, fingerprints may be taken by an authorized business entity.
 - 3. Authorization for a criminal history background check, the results of which are authorized to be transmitted to the Municipality or the Capital District Transportation Authority;
 - 4. The fee required by the New York State Division of Criminal Justice Services, as specified herein;
 - 5. A nonrefundable Hack License application fee, in the amount designated herein;
 - 6. Authorization to register the Applicant with the New York State LENS program, including the applicant's New York State Driver's License information, and authorizing the receipt of reports relating to the Applicant's driver's license by the Municipality or designee; AND
 - 7. A copy of a certificate of completion for a recognized defensive driving course, dated within the prior twelve (12) months.

f. Issuance or Denial of Licenses and Medallions

Completed applications will be forwarded to the Municipality's designated departments for their review. Applications for Unified Licenses and Medallions will be forwarded to each Participating Municipality.

- i. The Municipality may deny the issuance of a License or Medallion if the application is incomplete, if the applicant fails to meet the standards required for issuance of said License, or if the results of their investigation reveal a criminal history which, in their opinion, render the applicant unfit pursuant to Article 23-A of the New York State Corrections Law.
- ii. Unified Licenses and Medallions shall not be issued unless and until approved by each Participating Municipality.
- iii. Upon satisfactory fulfillment of the requirements of this article, there shall be issued to the applicant a License which shall be in such form as designated by the Municipality.
- iv. Licenses may be issued on any day of the year, and shall be valid until the end of the calendar year, unless suspended or revoked prior to the end of the calendar year.
- v. All Taxicabs shall be inspected by the Municipality (or designee) prior to issuance of a Medallion.

g. Renewal

Applications for renewal of Licenses and Medallions shall be submitted no later than forty-five (45) days prior to expiration of the current License. Applications shall be submitted upon the appropriate ***Common License Renewal Form***, filled out in its entirety, and shall be accompanied by the appropriate documentation and fees, as detailed on the Common License Renewal Form.

Section 353-3. CONDUCT

a. Driver Code of Conduct

The following rules shall govern the conduct of all Taxicab Drivers operating pursuant to a Hack License issued by the Municipality:

- i. The Driver shall obey all applicable traffic laws and municipal ordinances.
- ii. The Driver shall be courteous to passengers and comply with all reasonable requests of the passengers.
- iii. The Driver shall be clean and neat in dress and person, physically and mentally fit to operate a Taxicab and free from the use of intoxicating substances.
- iv. The Driver shall keep the inside of his/her Taxicab in a clean and sanitary condition and shall ensure that all required postings are maintained and visible to passengers.
- v. The Driver shall keep the inside of his/her Taxicab free from smoke, and no one riding in the vehicle shall engage in smoking cigarettes, cigars, pipes, e-cigarettes or any other smoking paraphernalia.
- vi. The Driver shall take passengers to their destinations by the shortest reasonable route, unless requested otherwise.
- vii. The Driver shall not permit other people to occupy or ride in the Taxicab while customers are being transported.
- viii. The Driver shall be required to transport Service Animals.

- ix. The Driver shall be required to disclose the applicable Taxicab rate, including any Fees or Tolls, to the passenger prior to the commencement of the trip, and shall utilize the Taximeter or approved equivalent metering application during the course of the trip. In the event the exact fare is unknown in advance, the Taxicab driver shall provide a reasonable estimate of the expected fare, and disclose the method of fare calculation.
- x. The driver shall be required to issue a receipt, upon passenger request.

b. Vehicle Requirements

Each Taxicab shall comply with the following:

- xi. No Taxicab shall be older than seven (7) years old
- xii. All Taxicabs shall be clearly identified or marked on the exterior as follows:
 - 1. A light on the roof, with the legend "TAXI", to be lit at night
 - 2. Functioning Taxicab "trouble lights" on the front and rear of the Taxicab
 - 3. The name of the company, owner or operator of the Taxicab, the phone number, and the company's hours of operation, displayed in a manner that is legible and visible from a reasonable distance.
 - 4. The unique identifying number of the particular Taxicab vehicle, marked on the sides and rear of the vehicle, displayed in a manner that is visible from a reasonable distance.
 - 5. The Taxicab Medallion, as directed by the Municipality.
- xiii. All Taxicabs shall display, in the interior of the Taxicab, and in a manner that is clearly visible to passengers, the following:
 - 1. The Owner's License and Medallion pursuant to which the Taxicab is being operated.
 - 2. The Hack License of the Taxicab Driver, with accompanying photo.
 - 3. The Customer Bill of Rights.
 - 4. The Schedule of all applicable Fares, Rates and Fees.
 - 5. The Customer Complaint statement.

c. Compliance with Rules

All Taxicab Owners and Taxicab Drivers shall be responsible for compliance with the provisions of this chapter and the law. Taxicab Owners and Taxicab Drivers shall be required to investigate and resolve any complaints or matters relating to the operation of Taxicabs in the Municipality.

d. Travel Log

All Taxicab Drivers and Taxicab Owners shall be responsible for maintaining records of all trips, including: the time dispatched, date and time of the trip, the pick-up and drop off locations, the duration of the trip, the vehicle utilized for the trip, the number of passengers, and the fare charged. The trip record shall be maintained for a period of at least one year, and shall be submitted to the Municipality for review upon request.

e. Accident Protocol

- xiv. A motor vehicle accident report shall be immediately filed with the Municipality or its designee for any accident arising from or in connection with the operation of a Taxicab.
- xv. Taxicabs involved in accidents may be inspected at the discretion of the Municipality for safety and cleanliness prior to returning to service.

Section 353-4. INSPECTION

- a. No Taxicab shall be included on an Owner's License, nor shall a Taxicab Medallion be issued, reissued or renewed, and no Taxicab shall be Operated within the Municipality unless and until proof has been submitted with the application for issuance, reissuance or renewal that it has undergone both a mechanical and physical inspection in compliance with the requirements of this Chapter and New York State Inspection Laws.

- i. Mechanical Inspection**

All Taxicabs must conform to the New York State Vehicle Inspection Law requirements at all times.

- ii. Preventative Maintenance**

Taxicabs shall be well maintained and shall undergo regular preventive maintenance services. Maintenance and inspection records for each vehicle licensed as a Taxicab must be kept for the life of the vehicle

- iii. Physical Inspection**

1. The Municipality and designees shall have the authority to inspect all Licensed and Medallioned Taxicabs upon notice or demand. The Municipality shall perform inspections upon all Medallioned Taxicabs under its authority at least once per year. This inspection must occur before a Taxicab may receive a medallion.
 2. All Taxicabs shall be safe and well maintained, and all systems shall be fully operational. Each Taxicab shall have functioning heat and air conditioning.
 3. Medallions issued for each Taxicab shall be prominently displayed and be registered to the vehicle to which it is affixed.
 4. The exterior of each Taxicab shall be clean and in good repair, without obvious major body damage.
- b. Thereafter, upon good cause, including customer complaint and in the interest of safety, the Municipality and designee shall have the authority to inspect Medallioned Taxicabs for compliance with this Chapter.
 - c. Taxicabs not conforming to New York State Vehicle Inspection requirements, or which are otherwise deemed to be unsafe or not in compliance with this Chapter, shall be taken out of service immediately. The Taxicab must be re-inspected prior to being entered back into service.

Section 353-5. FEES AND PENALTIES

- h. License Fees (detailed here, at the discretion of the municipality)**

The License fees shall be as follows:

- i. Owner's License:** \$50.00
 - ii. Medallion:** \$650.00 plus \$25 application fee, \$25 replacement fee for lost or stolen medallion
 - iii. Hack License:** \$75.00 initial application, \$100 renewal, \$25 replacement fee for lost or stolen license
 - iv. Unified Owner's License**
 - v. Unified Medallion** (detail pursuant to MOU)
 - vi. Unified Hack License** (detail pursuant to MOU)
- i. Other fees**
 - i. DCJS Fingerprinting:** \$75 (\$25 to City of Albany and \$50 to New York State)

- j. Penalties.** Any person violating any provision of this article may, upon conviction, be punished by imprisonment for not more than 30 days or by a fine of:
- i.** First offense shall be punishable by a fine of not less than \$125, but no more than \$650
 - ii.** Second offense shall be punishable by a fine of not less than \$325, but not more than \$1,000 and/or suspension of license for up to 1 year.
 - iii.** Third and subsequent offenses shall be subject to a fine of not less than \$750, but not more than \$2,000 and/or suspension of license for up to 1 year.

Section 353-6. SUSPENSION/REVOCATION

a. Municipal Authority

All powers related to licensing, enforcement, and compliance shall be exercised by the Municipality from which the license or medallion has been requested or for which the license or medallion has been issued.

b. Suspension and Revocation of Licenses

i. A Taxicab Owners' License issued pursuant to this Chapter may be suspended or revoked for the following reasons:

1. The licensee fails to meet the criteria for the issuance of such License;
2. The licensee permits the operation of a Taxicab by a person not licensed under the provisions of this article;
3. A vehicle registered to the licensee has been used for an illegal purpose or business;
4. The licensee engages in any other conduct which evidences his/her inability to safely engage in the business of operating a Taxicab or which evidences a disregard for public safety; AND/OR
5. The licensee provides information that is found to be false, illegal and/or a misrepresentation of the facts materially related to the issuance of this License.
6. The licensee fails to maintain the insurance required of this License.

iv. A Hack License issued pursuant to this Chapter may be suspended or revoked for the following reasons:

1. Failure to properly maintain a vehicle and/or equipment;
2. Physical disability of a Driver that renders him/her temporarily or permanently unfit for the safe operation of a Taxicab;
3. Knowingly filing a false application;
4. Any conviction of a criminal offense committed during or in relation to Taxicab operations. In addition, conviction of a criminal offense which might impair, impede or endanger the efficiency, effectiveness or safety of the public;
5. Any Driver who operates with an expired, conditional, suspended or revoked Hack License or Owners' License;
6. The suspension or revocation of a Driver's New York State driver's license by the New York State Department of Motor Vehicles; AND/OR
7. Commission of two (2) or more moving traffic violations and/or accidents while driving a Taxicab.

v. A Medallion issued pursuant to this Chapter may be suspended or revoked for the failure to comply with any provisions of this Chapter.

- vi. For Uniform Licenses and Medallions, each participating municipality shall retain all powers relating to licensing, enforcement and compliance regarding the operation of Taxicabs within the boundaries of the Participating Municipality only.
- c. **Notice**

Notice of revocation or suspension of License and the reason(s) thereof as well as the applicant's right to be heard shall be served by the Municipality or their designee upon the Person named in the license or by mailing the same to the address given in the license and by filing a copy of such notice in the Office of the Municipality's Clerk with an affidavit of service or mailing. If a License is revoked or suspended, no refund of any unearned portion of the License fee shall be made. The Municipality, upon good cause, may issue an immediate suspension of the License.
- d. **Term of Suspension**

A suspension of a License by the Municipality shall be effective for thirty (30) days, running from the date of notification upon the License holder. Any two (2) suspensions within any twelve (12) month period shall automatically result in a revocation.
- e. **Review of Denial, Suspension or Revocation**

Any applicant who shall have been refused a License, or a License holder whose License shall have been revoked or suspended, may appeal to the Municipality's Hearing Officer for review of such denial, revocation or suspension. The aggrieved party may, within thirty (30) business days after receiving written notice, file a written request upon the Hearing Officer for review of said decision.
- f. **Hearing Officer**

A Hearing Officer may be appointed by Municipality to hear and decide appeals taken from any determination made which denied, revoked or suspended such Taxicab Owners' License, Hack License, and/or Medallion.
- g. **Hearings**

Upon receipt of a request for a hearing as provided above, the Hearing Officer shall set a time and place for a hearing and notify the appellant at least seven (7) days prior to the hearing. The aggrieved party shall have the option of whether such hearing shall be public or private. The hearing shall commence no later than thirty (30) days after the date on which the request was filed. Failure by the Hearing Officer to commence a hearing within thirty (30) days shall not be deemed to constitute approval or such request, if good and sufficient reason exists.
- h. **Findings**

The aggrieved party shall be given an opportunity to show cause why such denial of application or such suspension or revocation of license shall be modified or withdrawn. Upon consideration of the evidence presented at the hearing, the Hearing Officer shall sustain, modify or withdraw the decision of the Municipality by issuing the result in writing.

Section 353-7. RATES AND FARES

- a. **Taximeters or equivalent application required.**
 - i. It shall be unlawful for any person to operate or keep for hire or pay within the Municipality any Taxicab without first having each taxicab equipped with a Taximeter or equivalent application.
 - ii. Every taxicab shall be equipped with a single-traffic taximeter of a type approved by the New York State Bureau of Weights and Measures and inspected by the County

Department of Weights and Measures for accuracy. Equivalent applications may not be used unless approved by the Municipality or, in the case of Taxicabs operating pursuant to a Uniform Medallion, by each participating municipality.

b. Rates of fare.

The rates of fare to be charged for Taxicab service shall be as follows, and no other rates of fare may be charged by any Owner or Driver other than the rate established by this section:

First Half Mile	\$4.00
Each Additional 1/10 Mile	.20
Waiting time in Slow Traffic (Per Minute)	.30
Each Additional Passenger 18 or over	1.00
Surcharge evenings after 6:00 p.m.	1.00
All Legal Holidays	1.00

Section 2. This ordinance shall take effect thirty days after final passage.

Council Member Bailey noticed the introduction of Ordinance 44.112.17 which was held.

Ordinance Number 44.112.17

AN ORDINANCE OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH SWAN STREET MIXED USE LLC, AN AFFILIATE OF THE ALBANY HOUSING AUTHORITY, FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY IN FRONT OF THE PROPERTY LOCATED AT 155 CLINTON AVENUE

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. The Mayor is hereby authorized and empowered to execute and enter into a license agreement with Swan Street Mixed Use LLC, an affiliate of the Albany Housing Authority, for the use and occupancy of a portion of the City right-of-way of Clinton Avenue, adjacent to property located at 155 Clinton Avenue, parcel number 65.81-1-18, upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

Section 2. This ordinance shall take effect immediately.

Council Member Herring noticed the introduction of Ordinance 45.112.17 which was referred to the Committee on Planning, Economic Development and Land Use for further consideration.

Ordinance Number 45.112.17

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT)

The City of Albany, in City Council convened, does hereby ordain and enact:

Section 1. Chapter 375 of the Code of the City of Albany (Unified Sustainable Development) is amended as follows:

-- Voluminous Attachment Available Upon Request --

Section 2. This ordinance shall take effect immediately.

Council Member Doesschate moved for the passage of Ordinance Number 41.111.17 (AN **ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 2, 2017, FOR FISCAL YEAR 2018**) which had been previously introduced and offered an amendment thereto to read as follows:

Insert in section 2 the following:

<u>REDUCTIONS TO REVENUES</u>	Account #	Amount
Privilege Tax-Coin Operator D	A.1000.1134	\$ 2,500
Coin Operated Amusement Tax	A.1000.1134.01	\$ 1,000
Computer Aided Dispatch	A.1000.2395	\$ 120,500
Waste Collection Fee	A.1000.1710.1	\$ 103,344*
Subtotal Revenue Reductions		\$ 227,344

<u>INCREASE TO EXPENDITURES</u>	Account #	Amount
Housing and Comm. Dev. - Contracted Services	A.6410.7440	\$ 43,785
Dept. Youth and Workforce - Contracted Services	GD.6291.7440	\$ 5,013
Subtotal Increase to Expenditures		\$ 48,798

<u>ADDITIONS TO REVENUE</u>	Account #	Amount
Sales tax	A.1000.1120	\$ 106,844
NYS DCJS-Car Theft Prevention	A.1000.3389.07	\$ 16,232
Housing and Comm Dev. Grant	A.1000.2787	\$ 43,785
Dept. Youth and Work Force		
US Dept Labor J.T.P.A.	GD.1000.4790	\$ 5,013
Subtotal Additions to Revenue		\$ 171,874

<u>REDUCTIONS TO EXPENDITURES</u>	Account #	Amount
Reduction to retirement	A3120.7802	\$ 104,268
Subtotal Additions to Expenditures		\$ 104,268

Net Fiscal Impact of the Above Changes	\$ 0
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* The reduction in the Waste Collection Fee revenue reflects the costs of providing curbside waste collection services in 2018 is estimated to be \$156 per unit, which shall be the fee to be charged for each unit, except the first unit, on all properties receiving curbside waste collection services.

Amendments to the Budget of the Common Council:

<u>REDUCTIONS TO EXPENDITURES</u>	Account #	Amount
Eliminate the position of Policy/Fiscal Analyst	1010.7120	\$ 40,000
Reduce the salary of Senior Legislative Aide and change the position title to "Legislative Aide"	1010.7150	\$ 1,181
Subtotal Reductions to Expenditures		\$ 41,181

<u>ADDITIONS TO EXPENDITURES</u>	Account #	Amount
Increase President of Common Council Salary 2%	1010.7100	\$ 619
Increase Council Member – President Pro Tem Salary 2%	1010.7100	\$ 406
Increase Council Member – Majority Leader Salary 2%	1010.7100	\$ 406
Increase Council Member Salary 2% (\$406 x 13)	1010.7100	\$ 5,278
Increase Salary of Research Counsel	1010.7120	\$ 29,819
Increase Temporary Help Line	1010.7170	\$ 1,153
Increase Training/Conferences	1010.7463	\$ 3,500
Subtotal Additions to Expenditures		\$ 41,181

Net Fiscal Impact of Changes to the Budget of the Common Council **\$ 0**

The total revenues and expenditures for the departments listed above and the city budget as a whole shall also be amended to reflect the above increases and decreases.

TECHNICAL AND FORMATTING AMENDMENTS

In addition to the foregoing amendments, the following technical and formatting amendments shall also be made to the budget document for clarity, consistency, and accuracy:

- A. Reduce the revenue for demolitions listed as \$750,000 on page 69, account number 2552 to \$650,000 to be consistent with the revenue listed on page 12, account number 2552. No change is made to the total revenue in the budget since \$650,000 is the amount included in the totals already. In addition, the title of this line item shall be amended to read "Stabilization and Demolition Fees" on both page 12, account number A.1000.2552, and page 69, account number A.1000.2552, and account number A.3620.7428 on page 68 shall be amended to read, "Stabilizations and Demolitions" to properly reflect the source of this revenue and its uses.
- B. Amend all individual salary lines 7100 through 7150 to code 7000, thereby also eliminating the salary subcategories in all department salary totals.
- C. Amend the heading on all pages for departments and units budgets to include the department or unit title and account code. This includes the addition of department and unit titles in the headers for pages 78-88 which were omitted unintentionally. The inclusion of department or unit codes in the headers will ease reference to other fiscal and accounting records.
- D. On page 15, (Operating Budget Revenue) eliminate revenue accounts "A.1000.3389.09 NYS DCJS-Grant" and "A.1000.3989 NYSDEC Household Haz Wast" and the heading "Home/Community Service" and the summary line "Home/Community Service Totals" above

and below A.1000.3989 for clarity since both of these accounts will have no revenues and have had no revenues for the past two years.

- E. On page 17 (Mayor's Office), insert a line in account A.1210.7120 for "Special Assistant and Policy Analyst" with one FTE for 2017 at a salary of \$54,899 and no FTE's for 2018. On page 17, in the line for the position of "Deputy Chief of Staff" in account A.1210.7120 for 2017 eliminate one FTE and the salary of \$54,899. These are technical changes changes to properly reflect the title change.
- F. On page 32 (Department of Administrative Services), eliminate the designation of 1 FTE in 2017 for "Web Assistant (p/t)" and change the total of FTEs from "9" to "8" to reflect that this was a part-time position, and therefore, not a FTE.
- G. On page 37 (Albany Police Department), eliminate the designation of 1 FTE in 2018 for "Custodial Worker (p/t)" and change the total of FTEs from "462" to "461" to reflect that this was a part-time position, and therefore, not a FTE.
- H. On page 49 (Department of General Services), eliminate the designation of 1 FTE in 2017 and 2018 for "Community Aide (p/t)" and change the total of FTEs from "40" to "39" for 2017 and from "38" to "39" for 2018 to reflect that this is a part-time position, and therefore, not a FTE.
- I. On page 44 (Department of Fire and Emergency Services), under cost saving measures eliminate the language pertaining to the SAFER grant to reflect the fact the City has been advised the grant will not be removed.
- J. On page 64 (Housing and Community Development), insert a line in account A.6410.7110 for "Rehab. Construction Director" with one FTE for 2017 at a salary of \$51,418 and no FTE's for 2018. On page 64, in the line for the position of "Property Manager" in account A.6410.7110 for 2017 eliminate, one FTE and the salary of \$51,418. These are technical changes to properly reflect the title change.
- K. On page 71 (Corporation Counsel), change the first column heading from "Law Department" to "Corporation Counsel."
- L. On page 72 (Corporation Counsel), change the category title from "Law Department Revenues" to "Corporation Counsel Revenues" and change the title of A.1000.1265 from "Law Dept. – Collection" to "Corporation Counsel – Collections."
- M. Page 74 (Assessment and Taxation), the last column heading on the bottom right corner is amended from "2018 Adopted Budget" to "2018 Proposed Budget."
- N. On page 97 (Department of Water and Water Supply), eliminate the designation of 1 FTE in 2017 for "Superintendent of Water Metering - PT" and change the total of FTEs from "26" to "25" to reflect that this was a part-time position, and therefore, not a FTE.
- O. On page 100 (Department of Water and Water Supply), eliminate the designation of 1 FTE in 2018 for "Laborer – Seasonal" and change the total FTEs for 2018 from "5" to "4" to reflect this is a seasonal position, and therefore, not an FTE.

- P. On page 103 (Department of Water and Water Supply), eliminate the designation of 5 FTEs in 2017 for “Reservoir Patrol Guards (P/T)” and change the total of FTEs for 2017 from “25” to “20” and eliminate the designation of 9 FTEs in 2018 for “Laborer – Seasonal” and change the total FTEs for 2018 from “28” to “19” to reflect these are part-time positions, and therefore, not FTEs.
- Q. On page 106 (Department of Water and Water Supply), eliminate the designation of 3 FTEs in 2018 for “Laborer – Seasonal” and change the total FTEs for 2018 from “70” to “67” to reflect these are seasonal positions, and therefore, not FTEs.
- R. On page 113 (Department of Youth Workforce and Services), eliminate the designation of the FTE line associated with the Commissioner position in both 2017 and 2018 and reduce the total FTEs for 2017 and 2018 by 1 FTE each because this is not a full-time position and the FTE is already reflected in the Department of Parks and Recreation Commissioner line on page 58 of the budget.

Council Members Doesschate and Conti spoke on the proposed amendments prior to the vote.

President McLaughlin called for a roll-call vote thereon and the amendment to ordinance 41.111.17 was adopted.

Affirmative: 12 Negative: 1 Abstentions: 0 Present: 0

Affirmative: Applrys, Bailey, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O’Brien

Negative: Krasher

The amendment being adopted, Council Member Doesschate moved for passage of Ordinance 41.111.17 as amended and requested a roll call vote thereon.

Ordinance Number 41.111.17 (as amended)

AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 2, 2017, FOR FISCAL YEAR 2018

The City of Albany in Common Council convened, does hereby ordain and enact:

Section 1. The budget as presented by the Mayor on October 2, 2016, is hereby adopted as and for the Budget of the City of Albany for fiscal year 2018 with the following amendments:

<u>REDUCTIONS TO REVENUES</u>	Account #	Amount
Privilege Tax-Coin Operator D	A.1000.1134	\$ 2,500
Coin Operated Amusement Tax	A.1000.1134.01	\$ 1,000
Computer Aided Dispatch	A.1000.2395	\$ 120,500
Waste Collection Fee	A.1000.1710.1	\$ 103,344*
Subtotal Revenue Reductions		\$ 227,344

<u>INCREASE TO EXPENDITURES</u>	Account #	Amount
Housing and Comm. Dev. - Contracted Services	A.6410.7440	\$ 43,785
Dept. Youth and Workforce - Contracted Services	GD.6291.7440	\$ 5,013
Subtotal Increase to Expenditures		\$ 48,798

<u>ADDITIONS TO REVENUE</u>	Account #	Amount
Sales tax	A.1000.1120	\$ 106,844
NYS DCJS-Car Theft Prevention	A.1000.3389.07	\$ 16,232
Housing and Comm Dev. Grant	A.1000.2787	\$ 43,785
Dept. Youth and Work Force		
US Dept Labor J.T.P.A.	GD.1000.4790	\$ 5,013
Subtotal Additions to Revenue		\$ 171,874

<u>REDUCTIONS TO EXPENDITURES</u>	Account #	Amount
Reduction to retirement	A3120.7802	\$ 104,268
Subtotal Additions to Expenditures		\$ 104,268

Net Fiscal Impact of the Above Changes **\$ 0**

* The reduction in the Waste Collection Fee revenue reflects the costs of providing curbside waste collection services in 2018 is estimated to be \$156 per unit, which shall be the fee to be charged for each unit, except the first unit, on all properties receiving curbside waste collection services.

Amendments to the Budget of the Common Council:

<u>REDUCTIONS TO EXPENDITURES</u>	Account #	Amount
Eliminate the position of Policy/Fiscal Analyst	1010.7120	\$ 40,000
Reduce the salary of Senior Legislative Aide		
<u>and change the position title to "Legislative Aide"</u>	1010.7150	\$ 1,181
Subtotal Reductions to Expenditures		\$ 41,181

<u>ADDITIONS TO EXPENDITURES</u>	Account #	Amount
Increase President of Common Council Salary 2%	1010.7100	\$ 619
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Increase Council Member Salary 2% (\$406 x 13)	1010.7100	\$ 5,278
Increase Salary of Research Counsel	1010.7120	\$ 29,819
Increase Temporary Help Line	1010.7170	\$ 1,153
Increase Training/Conferences	1010.7463	\$ 3,500
Subtotal Additions to Expenditures		\$ 41,181

Net Fiscal Impact of Changes to the Budget of the Common Council **\$ 0**

The total revenues and expenditures for the departments listed above and the city budget as a whole shall also be amended to reflect the above increases and decreases.

TECHNICAL AND FORMATTING AMENDMENTS

In addition to the foregoing amendments, the following technical and formatting amendments shall also be made to the budget document for clarity, consistency, and accuracy:

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- B. Amend all individual salary lines 7100 through 7150 to code 7000, thereby also eliminating the salary subcategories in all department salary totals.
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- D. On page 15, (Operating Budget Revenue) eliminate revenue accounts “A.1000.3389.09 NYS DCJS-Grant” and “A.1000.3989 NYSDEC Household Haz Waste” and the heading “Home/Community Service” and the summary line “Home/Community Service Totals” above and below A.1000.3989 for clarity since both of these accounts will have no revenues and have had no revenues for the past two years.
- E. On page 17 (Mayor’s Office), insert a line in account A.1210.7120 for “Special Assistant and Policy Analyst” with one FTE for 2017 at a salary of \$54,899 and no FTE’s for 2018. On page 17, in the line for the position of “Deputy Chief of Staff” in account A.1210.7120 for 2017 eliminate one FTE and the salary of \$54,899. These are technical changes changes to properly reflect the title change.
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“39” for 2017 and from “38” to “39” for 2018 to reflect that this is a part-time position, and therefore, not a FTE.

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- R. On page 113 (Department of Youth Workforce and Services), eliminate the designation of the FTE line associated with the Commissioner position in both 2017 and 2018 and reduce the total FTEs for 2017 and 2018 by 1 FTE each because this is not a full-time position and the FTE is already reflected in the Department of Parks and Recreation Commissioner line on page 58 of the budget.

Section 2. It is hereby ordered and directed that the sums set forth therein as expenditures are hereby appropriated in the amounts and for the several departments, offices and purposes specified therein.

Section 3. It is further hereby ordered and directed that the sums set forth therein as revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City shall be and are hereby applicable in the amounts specified for the purpose of meeting said appropriations.

Section 4. This ordinance shall be effective immediately.

President McLaughlin called for a roll-call vote thereon and the ordinance as amended was adopted.

Affirmative: 12 Negative: 0 Abstentions: 0 Present: 0

Affirmative: Applrys, Bailey, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien

President Pro Tem Conti held the remaining ordinances on the agenda for further consideration.

Consideration of Resolutions

Council Member Doesschate offered Resolution 62.112.17R, requested passage and a vote thereon.

Resolution Number 62.112.17R

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY FOR CERTAIN POSITIONS IN THE DEPARTMENT OF RECREATION FOR THE 2017 BUDGET

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, the Commissioner of the Department of Recreation has requested 2017 budget amendments adding an additional Recreation Assistant position due to a pre-arbitration settlement and transferring the appropriate funds in amount of \$5,280.00.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary totals for the positions of Recreation Assistant and Athletic manager in the amount of \$5,280.00 for the 2017 Budget.

President McLaughlin called for a VOICE VOTE thereon; the resolution was adopted by unanimous voice vote.

President Pro Tem Conti made a motion, which was duly seconded, requesting unanimous consent to add Resolutions 63.112.17R, 64.112.17R, 65.112.17R, 66.112.17R, 67.112.17R and 68.112.17R to the agenda. The motion was adopted by unanimous voice vote.

Council Member Doesschate offered Resolution 63.112.17R which was held for further consideration.

Resolution Number 62.112.17R (MC)

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN ADJUSTMENT IN SALARY FOR CERTAIN POSITIONS FOR THE 2018 BUDGET

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, the Commissioner of the Department of Administrative Services has requested 2018 budget amendments making various changes to salaries as detailed in “Attachment A” which is incorporated and attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting the salary totals for various positions as detailed in “Attachment A” for the 2018 budget year.

Council Member Doesschate offered Resolution 64.112.17R , requested passage and a vote thereon.

Resolution Number 64.112.17R (MC)

RESOLUTION OF THE COMMON COUNCIL OUTLINING ITS ACTIONS AND EXPRESSING ITS FINDINGS AND INTENT WITH REGARD TO THE ADOPTION OF THE FISCAL YEAR 2018 CITY OF ALBANY BUDGET AS PROPOSED IN ORDINANCE 41.111.17 (AS AMENDED) ENTITLED: “AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR, WITH AMENDMENTS, ON OCTOBER 2, 2017, FOR FISCAL YEAR 2018”

WHEREAS on October 2, 2017 the Common Council received the proposed budget for the City of Albany for fiscal year 2018; and

WHEREAS subsequent to receipt of such budget, the Common Council engaged in an extensive review of the proposal which included meeting with department heads, holding two public hearings, and discussing the city’s financial status and Council budget priorities; and

WHEREAS as a result of this process the Council has adopted Ordinance Number 41.111.17 (as amended) which adopts the fiscal year 2018 City of Albany Budget with revisions;

NOW, THEREFORE, BE IT RESOLVED that the Common Council does adopt the following statement outlining its actions and expressing its findings and intent with regard to adoption of the fiscal year 2018 City of Albany Budget; and

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the Mayor, Chief of Staff, Budget Director and all other department heads; and

BE IT FURTHER RESOLVED that a copy of the “Statement of Common Council Actions, Findings and Intent” as herein adopted be printed in the final bound document constituting the “City of Albany 2018 Budget” immediately following the Mayor’s transmittal message.

2018 City of Albany Budget Statement of Common Council Actions, Findings, Intent and Recommendations

The Common Council has completed its review of the 2018 City of Albany Proposed Budget. This statement summarizes the Council’s actions, findings and intent with regard to adoption of Ordinance 41.111.17 (as amended).

Public Comment/Hearings

The Common Council held two public hearings on the proposed 2018 Albany City Budget on Monday, October 16, 2017 and Monday, November 6, 2017. Only one person spoke at the two public hearings. That person lauded the proposed budget for its improved transparency and expressed support for the conversion of city lights to LED, the retention of mechanics in DGS, and the creation of a new deputy human resources manager position to improve labor relations. He also encouraged the City to transition to using electric vehicles, move labor negotiations in-house, provide training for DGS mechanics, sell unused street signs to the public, and continue lobbying for the City’s fair share of state aid/Capital City funding – and if such funding is not made permanent, institute a commuter tax.

In addition, during the regular Common Council public comment period individuals asked that the budget include funding for sidewalks on Russell Road, improved audio equipment in the Common Council chambers, and support Public, Education and Government (PEG) Cable Access Board activities.

Overview of the Budget

For at least the past decade the Common Council has recognized the significant fiscal challenges the city has been facing, in large part due to the fact 63% of the property in the city is tax exempt and that we provide essential services to tens of thousands of public employees and other commuters everyday who do not reside in Albany. The Council has also repeatedly noted that many of the prior budgets relied on non-recurring funding mechanisms, unsustainable landfill revenues, unrealistic revenue projections, and PILOT spin-ups that drain future resources. The Mayor’s proposed 2018 Budget continues to steer us away from such past policies by reducing our reliance on landfill revenues, including realistic revenue projections, and making it clear we must address the long-term inequities in State aid formulas and continue to fight for appropriate compensation for all state-owned tax-exempt land in the city. We continue to strongly support the Mayor’s efforts to obtain our fair share of funding from New York State. We are pleased that last year’s “Fair Share for Albany” campaign resulted in the State granting Albany \$12.5 million in “Capital City Funding” that was not a “spin-up” from existing PILOTs. The 2018 budget is again based upon the city receiving \$12.5 million that is Albany’s fair share. Some of us believe that the \$12.5 million requested from the State remains insufficient and inequitable in light of how much tax-exempt land the State owns in Albany, the services the city provides to State workers who double our population each day, and the much higher per capita Aid to Municipalities (AIM) and other funding other upstate cities receive from the State. A clear majority of the Common Council is ready to assist the Mayor and her administration in the effort to obtain sustainable funding from the State that is commensurate with the undue burdens our taxpayers shoulder throughout the year.

The 2018 proposed budget decreases expenditures by over a half million dollars. This is on top of the \$3.6 million reduction that was built into the 2017 budget for a total reduction in annual expenditures of \$4.1 million since 2016. We applaud these back to back reductions in the City's budget – almost unheard of in modern times – but necessary in light of the City's high property tax rate and continuing fiscal challenges. Much of this is realized through the implementation of some of the recommendations contained in the State's PFM report issued last year and includes reductions in total salaries involving the net elimination of 11 full-time equivalent positions, most of which are accomplished through attrition. In addition, the City has adopted the recommendation contained in the PFM Group Report that suggested the budget include a "vacancy savings" to recognize some positions will be vacant on a temporary or long-term basis. These changes have resulted in over a million dollar reduction in salaries in the 2018 budget although the budget also contains salary increases included in recently settled contracts with most of the city's unions and a 2% COLA for all non-union employees. In some cases, additional salary increases have been scheduled to help the city compete with the State and other employers for the hiring and retention of quality employees and to ensure supervisors are not making less than their subordinates as a result of recent union multi-year contract settlements. The budget also includes \$620,000 in one-time revenue for the sale of the Coeyman's property, an over \$600,000 reduction in retiree health insurance, and almost a quarter million dollar reduction in debt service. These increased revenues and savings are largely offset by increases in health insurance, Workers' Compensation and operating expenses. The current increase in Workers' Compensation costs is largely the result of the new third party administrator (TPA) aggressively closing out cases that have been open for years. The city will likely see a decrease in the costs of this program in the future by settling these cases and not deferring these liabilities for pay out in future years.

Despite a half million dollar net reduction in expenditures, the 2018 proposed budget increases the proposed tax levy by \$550,000, or about .9%. This increase is largely due to significant reductions in other revenue – most notably, a \$1.25 million reduction in landfill revenue and a reduction in anticipated sales tax revenue. The reduction in landfill revenue is a prudent measure to help extend the life of the landfill to at least 2023 and continue reducing the city's reliance on this income in light of its scheduled closing in five short years.

While property tax rates are set after the adoption of the budget, it is anticipated that the proposed tax levy increase will result in a homestead parcel assessed at \$150,000 seeing a real property tax increase of approximately \$14 a year.

The Finance Committee, along with other Council Members, held over ten meetings and met with the heads of every department and unit within the City to review their proposed budgets, goals, past performance, new initiatives, and deviations from the 2017 budget revenues and expenditures. Generally, we have found the budget to be reasonable and fiscally prudent. During the course of the discussions with unit heads we identified some areas where adjustments or corrections are necessary. Some of the needed adjustments have been taken care of through the budget amendment process, as discussed below. Since the City Charter imposes limitations on the Council's ability to make adjustments to salaries even with agreement from the administration, other adjustments and errors will be corrected via the adoption of a resolution and approval of the Board of Estimate and Apportionment after the adoption of the budget. These minor adjustments point to the need for the City Charter to be amended to allow agreed upon adjustments to be made in certain instances.

Council Amendments to the 2018 Budget

REDUCTIONS IN REVENUE:

The Council amended revenues in the 2018 budget in following areas:

1. The Privilege Tax-Coin Operator D totaling \$2,500 (Page 77, line 1134) and the Coin Operated Amusement Tax totaling (page 77, line 1134.01) have been eliminated because both of these fees were abolished with the adoption of the Unified Sustainability Development Ordinance (ReZone Albany).
2. Revenues for “Computer Aided Dispatch” totaling \$120,500 (page 39, line 2395) have been eliminated as the consortium is dissolving and these revenues will not be forthcoming.
3. Revenues for the Waste Collection Fee (page 10, line 1710.01) have been reduced by \$103,344 to \$1,498,656. This adjustment is based upon the administration’s projected expenditures for the program in 2018 that estimate the cost of the program per unit will be \$156, which is the fee that will be charged to all units except the first unit, on all properties receiving curbside waste collection services. The revised revenues include a modest additional amount for anticipated late fees based upon past experience with the program.

OTHER REVENUE AND EXPENDITURE ADJUSTMENTS

REVENUE DECREASE OFFSETS

The Common Council, with guidance from the administration, has made the following adjustments to offset the above-referenced revenue reductions:

1. Sales Tax revenue has been increased by \$106,844. (page 10, line 1120) The \$611,580 reduction in sales tax revenue included in the 2018 budget was based on a shortfall in sales tax revenue in the first 2 quarters of 2017. Since 3rd quarter revenues received since the development of the budget have recovered and are now almost on par with 2017 projections, there is less reason to anticipate such a drastic reduction in 2018. The revised amount sales tax revenue left in the budget is almost a half million dollars less than 2017, providing a reasonable cushion in light of predictions of internet sales impacting this revenue line.
2. Revenue from NYS DCJS-Car Theft Prevention grants has been increased by \$16,232 (page 15, line 3389.07) based upon updated information from the program.
3. Expenditures for retirement contributions (page 38, line 7802) have been decreased by \$104,268 based upon revised projections received from the Office of the State Comptroller.

OTHER REVENUE AND EXPENDITURE ADJUSTMENTS

During budget discussions, the Council was advised that the Department of Housing and Community Development and the Department of Youth and Workforce Services are both expected to receive additional grant funding. As a result, \$43,785 has been added to revenues for the Housing and Community Development Grant (page 14, line 2787) and \$5,013 has been added to Youth and Workforce US Dept Labor J.T.P.A. (page 115, line 4790). The Council has also added these respective amounts to “contracted services” for each of the programs since it does not have the authority to allocate these funds for salaries through the budget process. These funds are expected to be reallocated through the E and A process.

AMENDMENTS TO THE COMMON COUNCIL BUDGET

The Senior Legislative Aide and part-time Research Counsel for the Common Council left for other employment in mid-2017 leaving vacancies in these two positions. The position of part-time Policy/Fiscal Analyst also has never been filled. These vacancies created the ideal opportunity for the Council to review its staffing needs. The Council has determined that hiring a single person full-time to fulfill the functions of Research Counsel and Policy/Fiscal Analyst would be most efficient and best fit the needs of the Council. Since the prior person holding the position of “Senior Legislative Aide” had held that position for over a decade and had received raises based upon her experience, the Council has determined that it would be appropriate to re-title this position as “Legislative Aide” and reduce the salary to reflect the prior lack of experience with the Albany Common Council. As a result, the Council has:

1. Changed the title for the position of “Senior Legislative Aide” to “Legislative Aide” and reduced the salary by \$1,181 to \$40,000 (page 18, line 7150).
2. Eliminated the position of “Policy/Fiscal Analyst” (page 18, line 7120); and
3. Increased the salary for the position of “Research Counsel” to \$68,000 (page 18, line 7120) in order to attract someone with the appropriate background and experience to the position.

These changes have resulted in a net reduction of \$11,362 for staff salaries. \$3,500 of this has been added to the Trainings and Conferences line (page 18, line 7463) to increase the ability of Council Members to participate in professional development.

At the time of presentation of the 2018 budget, the Mayor’s Office noted that the budget does not include increases for elected officials. However, Local Law 9-1984 (adopted in 1984) provides that the annual salaries of elected city officials shall increase by a percentage which is “equal to the percentage salary increase provided for nonunionized City of Albany employees.” Since the 2018 budget includes a 2% COLA for most nonunionized employees, the Council considered whether it should revise the budget to include the 2% increase in the salaries of Council Members authorized by Local Law 9-1984 and the COLA provided to nonunionized city employees. During discussions it was noted that the salary for Council Members had not been increased in at least 12 years and that the salary should be sufficient to draw qualified people who will spend the time needed to perform the functions. While some members expressed concerns that the public had not been provided with adequate notice of this potential increase to allow public comment, the consensus was that since the salaries of Council Members had not been increased in 12 years and the other comments made, it was reasonable for the Council to include the salary increase authorized by Local Law 9-1984 in the budget. As a result, the budget has been amended to add \$619 to the salary of the Common Council President and \$406 to the salary of each Common Council Member (page 18, lines 7100-7110). The total of \$6,709 needed to support these 16 salary adjustments is funded out of the savings from the staff salary changes referenced above. As a result, the increases in the Council salaries is fully funded from within the 2018 Common Council budget, which is the same as the total 2017 budget for the Council.

The remaining \$1,153 savings from the salary and conference line adjustments has been added to the Temporary Help line (page 18, line 7170).

TECHNICAL AMENDMENTS

Salary and Title Adjustments

In addition to the aforementioned modifications, during discussions with the Council, department and unit heads identified a number of errors wherein certain positions were intended to be eliminated or re-titled, or where salary adjustments were entered that were not consistent with union contracts or intended modifications. Most of these errors were the result of using the new ERP system for the first time in position-based budgeting and the way certain positions were classified in the budget (as supervisory, professional, clerical, etc.) that may not be consistent with actual titles and union contracts. Since contract negotiations have resulted in different salary increases amongst the 14 different collective bargaining units representing city workers, and there were some deviations from the 2% salary increase for nonunion workers, the classifications have compounded some errors in the electronic-automated system. The net impact of these salary changes is actually a modest decrease in expenditures to the budget. As the City Charter does not authorize the Common Council to modify salaries included in the Mayor's budget and its authority to make salary adjustments even with agreement from the administration has been challenged in the past, we felt these changes should be handled through the Board of Estimate and Apportionment (E and A) following the adoption of a resolution by the Common Council, but before the beginning of the fiscal year so as to not adversely affect city workers and their intended salaries. To ensure transparency and make sure that Council Members are aware of the intended fully adopted budget, including these salary changes and the draft resolution approving these changes has been shared with Council Members in advance of the adoption of the budget.

The Budget Office has noted that the current practice of dividing positions of classifications of "Executive," "Supervisory," "Professional/Technical," "Clerical," "Public Safety/Operations," etc. when totaling up salaries for a given Department or Unit results in artificial characterizations of positions and often results in incorrect inputting of raises in the ERP system. This is part of the reason for numerous errors in the salaries listed in the proposed budget. As a result, the Common Council has agreed to allow the administration to amend the budget to change the individual salary lines to code 7000, thereby eliminating the classifications in the Department salaries totals. This change will actually give readers of the document a clearer "snapshot" of the personal costs of the particular unit or department. The agreed-upon modification will retain the individual listings of salaries for the budgeted positions, and separate listings for overtime, holiday pay, and temporary help; it is only the salary summaries for each department that will be merged.

OTHER TECHNICAL AND FORMATTING AMENDMENTS

The Council has made numerous other non-fiscal changes to the budget document to improve the clarity and accuracy of the document. Most of these relate to the addition of headers, department account codes, eliminating obsolete funding lines, relabeling some department references, and eliminating "FTE" counts for employees who are part-time or seasonal.

The Council also noted that the revenues from "Demolition Fees" on page 69, line 2552, was \$750,000 while the revenue for demolitions listed on page 12, line 2552 is \$650,000. We have confirmed that the proper amount to be listed in both locations is \$650,000 and that is what was included in the total revenues for the budget. As a result, we have amended line 2552 on page 69 to be \$650,000. In addition, to properly reflect the source of this revenue, we have amended the title of the line item to read "Stabilization and Demolition Fees" in both places. We have also amended line 7428 on page 68 to re-label the expense side "Stabilizations and Demolitions."

We note that although the city has been advised that the SAFER Grant received by the Fire Department is expiring and will not be renewed, the \$325,000 in revenue included on page 15 line 4389.03 will be forthcoming in 2018 as a final payment for the existing SAFER grant. As a result, there is no need to make an adjustment in the proposed 2018 budget for the SAFER grant revenues. However, the Council and Budget Director agreed it would be appropriate to eliminate the narrative on page 44 regarding the SAFER grant in light of being advised that the city's grant will not be renewed.

OTHER ISSUES

Public, Education and Government (PEG) Cable Access Support

Although the PEG Oversight Board has not yet spent any of the \$35,000 made available to it in the 2017 budget for staffing or contractual services, \$20,000 has again been set aside in the 2018 budget in the Special Items line 7440 on page 84 to enable the PEG Board to hire personnel or contract for services to help it achieve its mission. Another \$15,000 that was made available through Albany Community Development Agency (ACDA) in 2017 is also available for these purposes, but is time-limited, unless re-approved by the ACDA Board. We note that additional substantial funding is available for equipment purchases related to PEG activities funded through the cable franchise agreement and might be appropriate for use in upgrading the sound system in the Common Council chambers that is used for various city agency meetings broadcast via PEG.

City Records Unit

The proposed 2018 budget included funding to contract with the County for the City's Record Unit that operates out of the Albany County Hall of Records since these services are supervised by the Albany County Clerk rather than any city employee. However, the administration has advised the Council that the County Clerk has been reluctant to employ the workers performing these services directly. As a result, the City might create line items for these employees and transfer funds from the contractual services line established for these services to specific salary lines. Again, since the Common Council's authority to establish or modify salaries through the budget modification process has been questioned, these changes will be addressed through the E and A process. Since the proposed budget contained funding to support this function, the net impact on the budget and city expenditures is expected to be zero.

Department of Recreation

The 2018 proposed budget includes \$10,600 for summer camp fees. This is the same amount that was ultimately included in the 2017 budget after the Common Council reduced the anticipated revenues by \$19,000 to eliminate the need for the Recreation Department to charge a \$25-\$85 weekly fee to camp participants who are city residents. We note that in 2016 the Recreation Department acquired a \$10,000 sponsorship, and last year we explicitly left \$10,600 in the summer camp fee revenue line with the expectation that the Department of Recreation may generate income via non-resident camp fees and modest registration fees to encourage families to make a commitment to camp attendance so that the Department may plan appropriately for staff and programming. The Department is also encouraged to continue to seek sponsorships, grants and other funding mechanisms that are compatible with the development of a robust summer camp program in the city.

Office of the Treasurer Salary Adjustment Requests

The Treasurer proposed reducing his salary from \$98,483 to \$60,000 and applying the \$38,483 savings to hire temps or increase the salaries of employees within the Office of the Treasurer. While there is some support for this proposal, the City Charter prohibits the Common Council from making adjustments to salaries through amendments to the budget. Consequently, this issue has not been addressed in the proposed 2018 budget. The Council will undertake consideration of separate legislation to address the Treasurer's request.

The Registrar's Office and the 2020 Census

We note that the 2018 Proposed Budget has moved the Registrar's Office to the Department of Administrative Services. It is unclear if this transfer of functions needs to be codified and we ask that Corporation Counsel review the functions of this office under local, state and federal law and determine if this transfer requires ratification by the Common Council in the form of an ordinance or local law.

Additionally, we note that this office has a significant responsibility with regard to the upcoming census that has not been addressed in the 2018 Budget. Since our census count can significantly impact our eligibility for state and federal aid, we encourage the administration to begin a review of the City's activities to ensure a complete and accurate census count in prior years and evaluate whether adjustments should be made to the budget through the E and A process to fund those activities beginning in 2018.

Capital Budget

The Council has conducted a preliminary review the proposed 2018 Capital Budget during its discussions with Department heads and will review it, and compliance with the adopted debt policy, more closely when presented with the separate bonding ordinances in early 2018. We note that the 2018 budget includes \$2.5 million more in capital spending than was projected in the 2017 five year Capital Plan. Expenditures not previously included in the 5 year Capital Plan for 2018 include \$700,000 for leachate storage tanks at the landfill required by a recent DEC audit, \$1.3 million for a new ladder truck for the Fire Department, \$150,000 in fire house repairs, and increases for equipment and vehicles in the Department of General Services and the Police Department. We also note that the City has accumulated several millions of dollars of debt authorized in 2014 and before that has not yet been spent in accordance with the authorizations.

The Council continues to be concerned about the level of borrowing, the accumulation of debt, and the impact on the city's fiscal health and bond ratings. Consequently, the Council asks that the administration re-evaluate all proposed bonding before submitting the proposed bond ordinances to the Council in the spring with an eye toward reducing borrowing in the coming year, and using balances in existing bond accounts in place of requesting full bonding for all proposed capital purchases and projects.

We note that \$5 million of the proposed bonding is attributable to a Department of Environmental Conservation requirement associated with the closing the landfill. We believe that it would be premature for the City to pass bonding authorization to fulfill this entire \$5 million bonding commitment at this time, especially since the City has moved to decrease the amount of garbage collected at the landfill over the next five years, deferring closure of the landfill. Additionally, we note that the City has a substantial amount of funding accumulated in bond accounts associated with the

landfill. Consequently, we ask the administration to engage in discussions with DEC to defer this requirement for the city to bond this amount prematurely, and to evaluate all existing bond account balances to ensure they are being considered with regard to any obligations and needs the City might have with regard to the landfill.

Recommendations for the Future

During its deliberations, the Council concluded the following adjustment should be made in future years' budgets and the budget process:

- Include a single "Vacancy Savings" line for the entire City and eliminate individual department/unit "Vacancy Savings" entries.

The inclusion of "vacancy savings" lines in each department's or unit's budget caused a great deal of confusion since it seemed to be arbitrary and unrelated to the size of the department or unit and how many vacancies a department should reasonable anticipate. In discussions with the Budget Office, it was explained that a target has been set for the entire city (that exceeds the "ERP Savings" included in the 2017 budget – in accordance with a PFM Report recommendation) and that this amount was divided up amongst the various departments based upon past vacancy rates. It was further explained that Department heads have been told that they are not expected to "manage" their departments or units to the "Vacancy Savings" number included in their department's budget. We believe it is appropriate to eliminate the confusion caused by the inclusion of these numbers in individual unit/department budgets and include a single target for vacancy savings in the budget. In contrast, we support the administration's use of "challenge" lines for individual departments, especially large departments, where additional savings is perceived to be achievable, but left to management to assess how those savings might be achieved throughout the fiscal year.

The Council further asks the administration to consider the recommendations made during public comment in implementing the 2018 budget and in the development of future budgets and initiatives.

Prior Year Recommendations

We note that in last year's recommendations we asked for increased transparency in the budget and we are very much appreciative of the added data regarding salaries, the improved clarity regarding goals, new initiatives and past performance. The improved content and layout has received favorable comments from the public as well as Council members.

We note that we made a recommendation for the administration to look for opportunities to partner with the school system, including potential opportunities for additional income for crossing guards and encourage the administration to look at that recommendation and brainstorm with various department heads how we can improve services and job satisfaction while potentially reducing taxes by partnering with the school district on the school crossing guard situation and others.

Finally, we note that our comments in last year's budget intent resolution regarding certain frustrations with the City Charter remain and budget development and should be studied by the Council and others for possible placement on the ballot in 2018.

Conclusion

With adoption of Ordinance 41.111.17 as amended and this resolution, we complete action on the fiscal year 2018 City of Albany budget.

Council President McLaughlin called for a roll call vote thereon and the resolution was adopted.

Affirmative: 12 Negative: 0 Abstentions: 0 Present: 0

Affirmative: Applyrs, Bailey, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien

Council Member Conti offered Resolution 65.112.17R* requested passage and a vote thereon.

RESOLUTION NUMBER 65.112.17R (MC)

RESOLUTION OF THE ALBANY COMMON COUNCIL OPPOSING LIMITATIONS ON THE DEDUCTIBILITY OF STATE AND LOCAL TAXES AS A PART OF FEDERAL TAX REFORM LEGISLATION

WHEREAS Congress is considering tax reform legislation that would eliminate or severely restrict the federal income tax deduction for State and Local Taxes (SALT); and

WHEREAS this deduction, which has been in place for more than 100 years, is heavily utilized by residents of the City of Albany; and

WHEREAS New York residents already send \$41 billion more to the federal treasury than the federal government returns to New York; and

WHEREAS the state and local tax deduction is a fundamental principle of federalism and without it our residents would be faced with double taxation as they would be forced to pay federal income taxes on the taxes they must pay to state and local governments; and

WHEREAS this federal cost shift onto local governments would place extreme pressure on the City of Albany's budget, including diminished revenue for essential municipal services, including public safety and public infrastructure; and

WHEREAS increased federal taxation and reduced municipal services will harm local housing markets, decrease home values, erode local tax bases, and accelerate the departure of New York residents to other states.

NOW THEREFORE BE IT RESOLVED THAT the City of Albany Common Council expresses its strong opposition to any federal tax reform legislation that would eliminate or limit access to the State and Local Tax Deduction and urges each member of New York's congressional delegation to vehemently oppose any such bill, and further directs that a copy of this resolution be sent to Senators Charles Schumer and Kirsten Gillibrand, and Representative Paul Tonko and the New York State Conference of Mayors.

Council President McLaughlin called for a voice vote thereon and the resolution was adopted unanimously.

*Resolution 65.112.17R was co-sponsored by Council Members Applyrs, Bailey, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien

Council Member Applyrs offered Resolution 66.112.17R*, requested passage and a vote thereon.

Resolution Number 66.112.17R (MC)

RESOLUTION OF THE COMMON COUNCIL APPOINTING OCASIO WILSON TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

WHEREAS, pursuant to Section 42-376 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Cable Television Public, Education and Government Access Oversight Board ("PEGAOB").

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby appoints Ocasio Wilson to the PEGAOB for a term ending July 1, 2020.

Council Member Applyrs spoke on the resolution prior to passage.

Council President McLaughlin called for a voice vote thereon and the resolution was adopted unanimously.

*Resolution 66.112.17R was co-sponsored by Council Members Bailey, Golby, Kimbrough and Kornegay

Council Member Applyrs offered Resolution 67.112.17R*, requested passage and a vote thereon.

Resolution Number 67.112.17R

RESOLUTION OF THE COMMON COUNCIL APPOINTING DONALD A HYMAN TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

WHEREAS, pursuant to Section 42-376 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Cable Television Public, Education and Government Access Oversight Board ("PEGAOB").

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby appoints Donald A. Hyman to the PEGAOB for a term ending July 1, 2019.

Council President McLaughlin called for a voice vote thereon and the resolution was adopted unanimously.

*Resolution 67.112.17R was co-sponsored by Council Members Bailey, Golby, Kimbrough and Kornegay

Council Member Applys offered Resolution 68.112.17R*, requested passage and a vote thereon.

Resolution Number 68.112.17R (MC)

RESOLUTION OF THE COMMON COUNCIL APPOINTING TRACIAN GORDON TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

WHEREAS, pursuant to Section 42-376 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Cable Television Public, Education and Government Access Oversight Board (“PEGAOB”).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby appoints Tracian Gordon to the PEGAOB for a term ending July 1, 2018.

*Resolution 68.112.17R was co-sponsored by Council Members Bailey, Golby, Kimbrough and Kornegay

Council President McLaughlin called for a voice vote thereon and the resolution was adopted unanimously.

Council Member Herring noticed Resolution Number 61.111.17R* (**RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF CHRISTOPHER SPENCER AS THE COMMISSIONER OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**) which had been previously introduced, requested passage and a vote thereon.

Council President McLaughlin called for a voice vote thereon and the resolution was adopted unanimously.

*Resolution 61.111.17R was co-sponsored by Council Members Bailey, Golby, Kimbrough and Kornegay

President Pro Tem Conti held the remaining resolutions on the agenda for further consideration.

Miscellaneous or Unfinished Business

Council President McLaughlin announced that she would be resigning as Council President effective December 8, 2017 due to State retirement rules.

President Pro Tem Conti noted that there was a numbering error for the new resolutions on the agenda and made a motion, which was duly seconded and adopted, to renumber Resolutions 61.112.17R through 67.112.17R to be Resolutions 62.112.17R through 68.112.17R. (NOTE: the new numbering is reflected in the minutes of this meeting).

Adjournment

There being no further business, President Pro Tem Conti made a motion to adjourn which was duly seconded and adopted by unanimous voice vote; the meeting adjourned at approximately 8:45pm.

Respectfully Submitted

Gerald Campbell

Clerk to the Common Council